

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 16-cr-20007

v.

HON. VICTORIA A. ROBERTS

DAMIAN NOWICKI,

Defendant.

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DISCOVERY NOTICE

1. The attorney for the government knows that the defendant made
 - A. relevant written or recorded statements, (including grand jury testimony), and/or
 - B. relevant oral statements made in response to interrogation, whether before or after arrest, by a person then known to the defendant to be a government agent, whether or not the statement is included in a written record, as follows:

NO ☐ YES ☒

2. The attorney for the government knows that defendant has a prior criminal record:

NO ☒ YES ☐

3. The following books, papers, documents, photographs and tangible objects are within the possession, custody or control of the government and are intended to be used as evidence in chief at trial, are known to the government to be material to the preparation of the defense, or were obtained from or belong to the defendant:

Agency reports, computer evidence

4. Results or reports of the following physical or mental examinations, or scientific tests or experiments, are within the possession, custody or control of the government, and are either intended to be used as evidence in chief at trial or are known to the government to be material to the preparation of the defense:

Computer forensics reports

5. The government intends to introduce at trial testimony from one or more experts in the following areas of expertise:

Computer forensic expert

6. The government may introduce evidence obtained from execution of the following search warrants:

Date	Docket Number
11.12.15	15-mc-51593-A
11.12.15	15-mc-51593

7. The government may introduce evidence obtained through wiretaps or other electronic surveillance:

Not Applicable

8. The government intends to offer evidence under Federal Rule of Evidence 404(b)

NO ☐

YES ☐

UNSURE ☒

The attorney for the government is aware of the obligations imposed by *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny and will comply with their obligation to provide defense counsel with exculpatory evidence that is material to either guilt or to punishment in time for effective use at trial.

If the government discovers additional information of the type described in the above paragraphs, it will advise defense counsel in writing.

Upon specific request of the defendant, the government will make available for inspection or copying the items described in Paragraphs One, Three, and Four; will furnish the record referred to in Paragraph Two; will provide a summary (which will include the witnesses' qualifications, opinions, and the bases and reasons for the opinions) of the anticipated testimony described in Paragraph Five and will provide notice of the general nature of the evidence referred to in Paragraph Eight. The government's compliance with any specific request will trigger the defendant's duty to provide the reciprocal discovery denoted in Fed. R. Crim. P. 16(b)(1)(A)-(C). If the defendant makes a general request for discovery

the government will construe it as a request for each item described in Fed. R. Crim. P. 16(a)(1) (A)-(G). The government's compliance with the defendant's general request will trigger the defendant's duty to provide reciprocal discovery of each item specified in Fed. R. Crim. P. 16(b)(1)(A)-(C).

BARBARA L. MCQUADE
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Dated: February 29, 2016

Certificate of Service

I certify that on Monday, February 29, 2016, I electronically filed the Discovery Notice for the United States with the Clerk of the Court for the Eastern District of Michigan using the ECF system, which will send notification of such filing to the following attorneys for each defendant:

Rafael C. Villarruel
Attorney for Defendant
Email: Rafael_Villarruel@fd.org

s/Margaret M. Smith
Assistant United States Attorney
United States Attorney's Office